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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/082,112
Filing Date: February 26, 2002
Appellant(s): TANIKAWA ET AL.

Thomas E. McKiernan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/16/2009 appealing from the Office action mailed 08/12/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Pat. No. 6,785,716

Nobakht

08-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

Art Unit: 2455

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nobakht, U.S. Pat. No. 6,785,716.

Regarding claim 1, Nobakht teaches an Internet appliance user management device (system server 110 is connected to the Internet) [see Fig. 1] which is connected to an IA terminal (user terminal 130A-D) via a network, comprising:

an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection (i.e., storing user/terminal information such as user name/PIN, user terminal serial number, user status information, etc.) [see Figs. 1-4 and Col. 6, Line 37 to Col. 7, Line 36 and Col. 8, Line 1 to Col. 9, Line 50 and Col. 10, Lines 10-26];

a transmission and receiving unit transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information (i.e., input devices such as remote control 202 and wireless keyboard 203; server 110 transmits a request for user and terminal information and in

Art Unit: 2455

return receives user identification information and terminal identification information)

[see Figs. 1-2 & 4 & 7 and Col. 12, Lines 45-53];

a user registration information collation unit collating the user registration information received by the transmission and receiving unit user management system with the user registration information stored in the IA terminal user storing unit and writing the user registration information in the IA terminal user storing unit if necessary (i.e., set-top box 131 controls access to Internet sites/channels services by manually using input device (202,203) via system controller 211 and writes user registration information in the user storage; registration information including user and terminal information are collected and stored in the database for authorization process) [see Figs. 3-4 and Col. 6, Line 45 to Col. 7, Line 36 and Col. 8, Lines 1-41]; and

an automatic registration unit obtaining the user registration information which has not been collated by the user registration information collation unit from the IA terminal by means of the transmission and receiving unit user management device and registering said information in the IA terminal user storing unit (i.e., passing userID information directly from smart card to the set-top box 131 and database of server 110; the server 110 automatically performs several network operation functions that maintain and update channel-based network including user terminal authorization, download control, update control, version check) [see Figs. 4 & 7 and Col. 8, Lines 1-15 and Col. 10, Lines 10-26 and Col. 12, Line 43 to Col. 13, Line 52].

Regarding claim 2, Nobakht further teaches the IA terminal user management device according to claim 1, wherein the transmission and receiving unit receives user registration information including the IA terminal identifier from the IA terminal, the user registration information collation unit collates the received user registration information with the user registration information stored in the IA terminal user storing unit, the transmission and receiving unit transmits the collated result to the IA terminal, the transmission and receiving unit receives additional user registration information which is not included in the received user registration information from the IA terminal, and the automatic registration unit registers the received additional user registration information in the IA terminal user storing unit [see Figs. 3-4 and Abstract and Col. 6, Line 45 to Col. 7, Line 36 and Col. 8, Lines 1-41 and Col. 12, Line 43 to Col. 13, Line 52].

Regarding claims 3-4, Nobakht further teaches the IA terminal user management device, wherein the IA terminal user storing unit comprises a machine table which stores the IA terminal identifier in association with a user identifier for identifying the user, a subscriber table which stores the user identifier in association with a service provider identifier for identifying the service provider who provides the service, and an affinity table which stores the service provider identifier in association with the registration procedure for registering the user determined by the service provider (i.e., format of records that include userID, user PIN, password, customer No., box serial No., channel table, site address, site name, etc) [see Figs. 3-5].

Regarding claims 5-8, Nobakht further teaches the IA terminal user management device, wherein the automatic registration unit erases the user registration information stored in the IA terminal user storing unit [see Col. 6, Line 37 to Col. 7, Line 17 and Col. 16, Lines 40-49].

Regarding claim 9, Nobakht teaches an IA terminal (user terminal 130A-D) which performs information communication with an IA terminal user management device (system server 110 is connected to the user terminal 130A-D via the Internet) [see Fig. 1] for managing the IA terminal via a network, comprising:

a transmission and receiving unit transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection (i.e., input devices such as remote control 202 and wireless keyboard 203 or smart card 232 for entering and transmitting user/terminal information such as user name/PIN, user terminal serial number, user status information, etc.; and set-top box 131 for receiving user/terminal information and controlling access to Internet sites/channels services; the

Art Unit: 2455

server 110 transmits a request for user and terminal information and in return receives user identification information and terminal identification information) [see Figs. 1-4 & 7 and Col. 6, Line 37 to Col. 7, Line 36 and Col. 8, Line 1 to Col. 9, Line 50 and Col. 10, Lines 10-26 and Col. 12, Lines 45-53];

an input unit inputting insufficient user registration information based on the request of the IA terminal user management device and writing the user registration information in a user storing unit of the IA terminal whereas the transmission and receiving unit on the IA terminal transmits the user registration information inputted by the input unit to the IA terminal user management device (i.e., controlling access to Internet sites/channels services by manually using input device (202; 203) via system controller 211 or passing userID information directly from smart card to the set-top box 131 and writing user registration information in the user storage; registration information including user and terminal information are collected and stored in the database for authorization process) [see Figs. 3-4 and Col. 6, Line 45 to Col. 7, Line 36 and Col. 8, Lines 1-41]; and

the IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device (i.e., the server 110 automatically performs several network operation functions that maintain and update channel-based network including user terminal authorization, download control, update control, version check before connecting the IA terminal to the

Art Unit: 2455

IA terminal user management device) [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines 10-26 and Col. 12, Line 43 to Col. 13, Line 52].

Regarding Claim 10, Nobakht further teaches the IA terminal according to claim 9, wherein the transmission and receiving unit transmits user registration information including the IA terminal identifier to the IA terminal user management device, the transmission and receiving unit receives the result of having collated the transmitted user registration information and the user registration information stored in the IA terminal user storing unit with which the IA terminal user management device is provided, the input unit inputs additional user registration information which is not included in the received user registration information, and the transmission and receiving unit on the side of the IA terminal transmits the inputted additional user registration information to the IA terminal user management device [see Figs. 3-4 and Abstract and Col. 6, Line 45 to Col. 7, Line 36 and Col. 8, Lines 1-41].

Claim 11 is rejected under the same rationale set forth above to claim 1.

Claim 12 is rejected under the same rationale set forth above to claim 2.

Claim 13 is rejected under the same rationale set forth above to claim 9.

Claim 14 is rejected under the same rationale set forth above to claim 10.

Claim 15 is rejected under the same rationale set forth above to claim 1.

Claim 16 is rejected under the same rationale set forth above to claim 9.

Claim 17 is rejected under the same rationale set forth above to claim 1.

(10) Response to Argument

A. Introduction:

Nobakht, U.S. Pat. No. 6,785,716, Pub. Date of August 2004:

Nobakht discloses a channel-based network system for accessing the Internet including a system server, one or more Internet sites and one or more user terminals that are connected via the Internet [see Nobakht, Abstract]. Nobakht further discloses each user terminal 130-A through 130-D includes circuitry for downloading and storing channel table data downloaded from server 110, displaying the channel numbers and Internet site names from the downloaded channel table data, allowing a user to enter selected channel numbers, and connecting the user terminal to a selected Internet site 120-1 through 120-4 that is associated with the selected channel number. These user terminal functions, as well as the numerous additional functions, can be performed on (implemented in) a wide range of platforms. For example, user terminal 130-A depicts a set-top box arrangement, user terminal 130-B depicts a personal computer platform, user terminal 130-C depicts a cellular telephone platform, and user terminal 130-D depicts a personal digital assistant (PDA) platform [see Nobakht, Fig. 1 and Col. 3, Lines 43-57].

In addition, Nobakht discloses that channel table database 414 stores one or more master channel tables. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures [see Nobakht, Fig. 4 and Col. 8, Lines 16-41].

Also, Nobakht discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1). First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). Server 110 then determines whether the information transmitted from the terminal requesting service identifies a valid customer account (step 730). This step involves comparing the transmitted customer identification information (e.g., user PIN or customer number from the inserted smart card) and terminal information (e.g., the box serial number from the asset manager flash) that is received from the requesting

Art Unit: 2455

terminal with corresponding information stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Furthermore, Nobakht discloses that server 110 automatically performs several network operation functions that maintain and update channel-based network 100 including user terminal authorization, download control, update control, version check [see Nobakht, Col. 10, Lines 10-26].

B. Issue I: Regarding 35 U.S.C. §102(e) rejection of independent claim 1, Pages 10-16 of the Appeal Brief is directed to this claim.

Appellant argued that independent claim 1 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 1. Nobakht, for example, discloses no “Internet appliance (IA) terminal user management device ... comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 1. In Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 10-16 of the Appeal Brief].

Examiner respectfully disagrees. Based on the broadest reasonable interpretation within the scope of the art, Nobakht clearly discloses an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4], comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) [see Nobakht, Fig. 4] storing IA terminal information including an IA terminal identifier (i.e., terminal number) for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant. In fact, Nobakht clearly discloses a client-server system similar to the system

Art Unit: 2455

in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network** (i.e., **Internet**), **comprising** an IA terminal user storing unit (i.e., **databases 416 & 418** on the server 110) **storing** IA terminal information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41] as shown above.

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step 730), **and in turn receives user identification information from the inserted smart card** (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

In summary, Nobakht clearly discloses “Internet appliance (IA) terminal user management device ... comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 1 and as argued by appellant. Accordingly, Nobakht does disclose all of the features of independent claim 1 and thus claim 1 is anticipated by Nobakht.

There are no specific arguments for dependent claims 2-8. Therefore, dependent claims 2-8 are rejected at least by virtue of their dependency on independent claim 1 and by other reasons set forth above in the rejection portion.

C. Issue II: Regarding 35 U.S.C. §102(e) rejection of independent claim 9, Pages 16-23 of the Appeal Brief is directed to this claim.

1) First, appellant argued that independent claim 9 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 9. Nobakht, for example, discloses no “transmission and receiving unit transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user

registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 9. In Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 16-22 of the Appeal Brief].

Again, examiner respectfully disagrees. Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network** (i.e., **Internet**), comprising an IA terminal user storing unit (i.e., **databases 416 & 418** on the server 110) **storing** IA terminal information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41]. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information,

Art Unit: 2455

current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step 730), **and in turn receives user identification information from the inserted smart card** (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

According to the preamble of claim 9, it is unclear an IA terminal (client side) comprising or an IA terminal user management device (server side) comprising features in the limitations. However, Nobakht clearly shows that **there is data communication and interaction between the client and the server and there is transmission and receiving unit for transmitting and receiving user/terminal information**. Therefore,

Art Unit: 2455

Nobakht clearly discloses “transmission and receiving unit transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 9.

2) Second, appellant argued that independent claim 9 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 9. Nobakht, for example, discloses no “the IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device,” as recited in independent claim 9 [see Pages 22-23 of the Appeal Brief].

Examiner respectfully disagrees. Nobakht discloses the server 110 automatically performs several network operation functions that maintain and update channel-based network including user terminal authorization, download control, update control, version check before connecting the IA terminal to the IA terminal user management device [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines 10-26 and Col. 12, Line 43 to

Art Unit: 2455

Col. 13, Line 52]. In addition, Nobakht clearly discloses that **server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20]. By comparing the current user/terminal information with corresponding information stored in the database (registration information), the server determines (judges) whether or not the user registration information for the device has been written (stored) to the database before connecting the terminal to the server.

Therefore, Nobakht clearly discloses “the IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device,” as recited in independent claim 9. Accordingly, Nobakht does disclose all of the features of independent claim 9 and thus claim 9 is anticipated by Nobakht.

There are no specific arguments for dependent claim 10. Therefore, dependent claim 10 is rejected at least by virtue of their dependency on independent claim 9 and by other reasons set forth above in the rejection portion.

D. Issue III: Regarding 35 U.S.C. §102(e) rejection of independent claim 11, Pages 23-28 of the Appeal Brief is directed to this claim.

Appellant argued that independent claim 11 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 11. Nobakht, for example, discloses no “computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 11. In Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 23-28 of the Appeal Brief].

Again, examiner respectfully disagrees. Claim 11 is rejected under the same rationale set forth above to claim 1. Based on the broadest reasonable interpretation within the scope of the art, Nobakht clearly discloses computer with which the IA terminal user management device (i.e., server 110) managing the IA terminal (i.e., user terminals 130 A-D) connected via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4] is provided realize the function which stores, in a database (i.e., databases 416 & 418 on the server 110) [see Nobakht, Fig. 4], IA terminal information including an IA terminal

Art Unit: 2455

identifier (i.e., terminal number) for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant. In fact, Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network** (i.e., **Internet**), **comprising** an IA terminal user storing unit (i.e., **databases 416 & 418 on the server 110**) **storing** IA terminal

Art Unit: 2455

information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41] as shown above.

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step 730), **and in turn receives user identification information from the inserted smart card** (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information(registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information stored (registration information) in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

In summary, Nobakht clearly discloses “computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal,

Art Unit: 2455

service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 11 and as argued by appellant.

Accordingly, Nobakht does disclose all of the features of independent claim 11 and thus claim 11 is anticipated by Nobakht.

There are no specific arguments for dependent claim 12. Therefore, dependent claim 12 is rejected at least by virtue of their dependency on independent claim 11 and by other reasons set forth above in the rejection portion.

E. Issue IV: Regarding 35 U.S.C. §102(e) rejection of independent claim 13, Pages 28-36 of the Appeal Brief is directed to this claim.

1) First, appellant argued that independent claim 13 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 13. Nobakht, for example, discloses no “function which transmits and receives IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 13. In

Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 28-35 of the Appeal Brief].

Again, examiner respectfully disagrees. Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network** (i.e., **Internet**), comprising an IA terminal user storing unit (i.e., **databases 416 & 418** on the server 110) **storing** IA terminal information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41]. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step

Art Unit: 2455

730), and in turn **receives** user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Nobakht clearly shows that **there is data communication and interaction between the client and the server and there is function which transmits and receives user/terminal information (registration information)**. Therefore, Nobakht clearly discloses “function which transmits and receives IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 13.

2) Second, appellant argued that independent claim 13 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 9. Nobakht, for example, discloses no “IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device,” as recited in independent claim 13 [see Pages 35-36 of the Appeal Brief].

Examiner respectfully disagrees. Nobakht discloses the server 110 automatically performs several network operation functions that maintain and update channel-based network including user terminal authorization, download control, update control, version check before connecting the IA terminal to the IA terminal user management device [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines 10-26 and Col. 12, Line 43 to Col. 13, Line 52]. In addition, Nobakht clearly discloses that **server 110 then determines whether the information transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20]. By comparing the current user/terminal

Art Unit: 2455

information with corresponding information stored in the database (registration information), the server determines (judges) whether or not the user registration information for the device has been written (stored) to the database before connecting the terminal to the server.

Therefore, Nobakht clearly discloses “the IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device,” as recited in independent claim 13. Accordingly, Nobakht does disclose all of the features of independent claim 13 and thus claim 13 is anticipated by Nobakht.

There are no specific arguments for dependent claim 14. Therefore, dependent claim 14 is rejected at least by virtue of their dependency on independent claim 13 and by other reasons set forth above in the rejection portion.

F. Issue V: Regarding 35 U.S.C. §102(e) rejection of independent claim 15, Pages 36-40 of the Appeal Brief is directed to this claim.

Appellant argued that independent claim 15 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 15. Nobakht, for example, discloses no “Internet appliance user management device ... comprising ... transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information,”

as recited in independent claim 15. In Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 36-40 of the Appeal Brief].

Examiner respectfully disagrees. Based on the broadest reasonable interpretation within the scope of the art, Nobakht clearly discloses an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4], comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) [see Nobakht, Fig. 4] storing IA terminal information including an IA terminal identifier (i.e., terminal number) for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant. In fact, Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network (i.e., Internet), comprising** an IA terminal user storing unit (i.e., **databases 416 & 418 on the server 110**) **storing** IA terminal information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41] as shown above.

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step 730), **and in turn receives user identification information from the inserted smart card** (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the

Art Unit: 2455

box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Nobakht clearly shows that **there is data communication and interaction between the client and the server and there is transmission and receiving means for transmitting and receiving user/terminal information (registration information).**

Therefore, Nobakht clearly discloses “Internet appliance user management device ... comprising ... transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information,” as recited in independent claim 15. Accordingly, Nobakht does disclose all of the features of independent claim 15 and thus claim 15 is anticipated by Nobakht.

G. Issue VI: Regarding 35 U.S.C. §102(e) rejection of independent claim 16, Pages 40-48 of the Appeal Brief is directed to this claim.

1) First, appellant argued that independent claim 16 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 16. Nobakht, for example, discloses no “IA terminal which performs information communication with an IA terminal user management device for managing the IA terminal via a network, comprising: transmission and receiving means for transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA

terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 16. In Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 40-48 of the Appeal Brief].

Again, examiner respectfully disagrees. Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network** (i.e., **Internet**), comprising an IA terminal user storing unit (i.e., **databases 416 & 418** on the server 110) **storing** IA terminal information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41]. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information,

Art Unit: 2455

current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step 730), **and in turn receives user identification information from the inserted smart card** (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

According to the preamble of claim 9, it is unclear an IA terminal (client side) comprising or an IA terminal user management device (server side) comprising features in the limitations. However, Nobakht clearly shows that **there is data communication and interaction between the client and the server and there is transmission and receiving unit for transmitting and receiving user/terminal information**

(registration information). Therefore, Nobakht clearly discloses “transmission and receiving means for transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection,” as recited in independent claim 16.

2) Second, appellant argued that independent claim 16 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 16. Nobakht, for example, discloses no “IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device,” as recited in independent claim 16 [see Page 48 of the Appeal Brief].

Examiner respectfully disagrees. Nobakht discloses the server 110 automatically performs several network operation functions that maintain and update channel-based network including user terminal authorization, download control, update control, version check before connecting the IA terminal to the IA terminal user management device [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines 10-26 and Col. 12, Line 43 to

Art Unit: 2455

Col. 13, Line 52]. In addition, Nobakht clearly discloses that **server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20]. By comparing the current user/terminal information (registration information) with corresponding information stored in the database (registration information), the server determines (judges) whether or not the user registration information for the device has been written (stored) to the database before connecting the terminal to the server.

Therefore, Nobakht clearly discloses “IA terminal user management device judges whether or not the user registration information for the device has been written to the user storing unit of the IA terminal before connecting the IA terminal to the IA terminal user management device,” as recited in independent claim 16. Accordingly, Nobakht does disclose all of the features of independent claim 16 and thus claim 16 is anticipated by Nobakht.

H. Issue VII: Regarding 35 U.S.C. §102(e) rejection of independent claim 17, Pages 48-53 of the Appeal Brief is directed to this claim.

Appellant argued that independent claim 17 is not anticipated by Nobakht because Nobakht fails to disclose all of the features of independent claim 17. Nobakht, for example, discloses no “Internet appliance (IA) user management device which is connected to an IA terminal via a network, comprising ... a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information,” as recited in independent claim 17. In Nobakht, rather, the data is processed on the terminal side, not the device side [see Pages 48-53 of the Appeal Brief].

Examiner respectfully disagrees. Based on the broadest reasonable interpretation within the scope of the art, Nobakht clearly discloses an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4], comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) [see Nobakht, Fig. 4] storing IA terminal information including an IA terminal identifier (i.e., terminal number) for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection. For example, Nobakht discloses several databases in the server for storing terminal information including terminal number and

Art Unit: 2455

requested service. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures) [see Nobakht, Figs. 4 & 5B-C and Col. 8, Lines 16-41].

There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant. In fact, Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., **server 110**) **which is connected to** an IA terminal (i.e., **user terminals 130 A-D**) **via a network** (i.e., **Internet**), **comprising** an IA terminal user storing unit (i.e., **databases 416 & 418** on the server 110) **storing** IA terminal information (i.e., **terminal number**) [see Nobakht, Figs. 1 & 4 & 5B-C and Col. 8, Lines 16-41] as shown above.

In addition, Nobakht further discloses that **server 110 responds to the service request transmitted from set-top box 131** by performing an authorization check (step 665-1). First, **server 110 transmits a request for user and terminal information** (step 730), **and in turn receives user identification information from the inserted smart card** (e.g., customer identification number 331, user PIN 332, and age identifier 336;

Art Unit: 2455

see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)). **Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account** (step 730). This step **involves comparing the transmitted customer identification information** (e.g., user PIN or customer number from the inserted smart card) **and terminal information** (e.g., the box serial number from the asset manager flash) **that is received from the requesting terminal with corresponding information (registration information) stored in network database 416** [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Nobakht clearly shows that there is data communication and interaction between the client and the server and there is transmission and receiving unit for transmitting and receiving user/terminal information (registration information). Therefore, Nobakht clearly discloses "Internet appliance (IA) user management device which is connected to an IA terminal via a network, comprising ... a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," as recited in independent claim 17. Accordingly, Nobakht does disclose all of the features of independent claim 17 and thus claim 17 is anticipated by Nobakht.

Accordingly, claims 1-17 remain/stand rejected as shown above.

Art Unit: 2455

(11) Evident Appendix

(None)

(12) Related Proceeding Appendix

(None)

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Philip B Tran/
Primary Examiner, Art Unit 2455

Conferees

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

/David Lazaro/

Primary Examiner, Art Unit 2455

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Art Unit: 2455

Page 39